

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

THE UNITED STATES OF AMERICA,

- against -

ROBERT HERTULAR,

Defendant.

ORDER

24 Civ. 5824 (NRB)

04 Cr. 009 (NRB)

-----X

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS, on July 22, 2024, Robert Hertular ("defendant") filed this motion seeking to vacate his judgment of conviction and sentence pursuant to 28 U.S.C. § 2255. ECF No. 101;

WHEREAS, defendant has previously filed a motion pursuant to § 2255 challenging his judgment of conviction and sentence, which this Court denied on the merits. ECF No. 84;

WHEREAS, defendant's present motion constitutes a "second or successive" application. See Corrao v. U.S., 152 F.3d 188, 191 (2d Cir. 1998);

WHEREAS, before defendant may file a second or successive § 2255 motion in a district court, authorization from the appropriate court of appeals is required. See 28 U.S.C. §§ 2244(b)(3)(A), 2255(h);

WHEREAS, defendant has not indicated that he has received authorization from a court of appeals to file this second or

successive § 2255 motion; it is hereby

ORDERED that because such § 2255 motions should be transferred to the appropriate court of appeals, Liriano v. United States, 95 F.3d 119, 122-23 (2d Cir. 1996), in the interest of justice, the Court transfers this second or successive § 2255 motion to the United States Court of Appeals for the Second Circuit, see 28 U.S.C. § 1631.

Dated: August 13, 2024
New York, New York

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", is written over a horizontal line.

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE